



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 01.09.2016

WEB COPY

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THE HONOURABLE MR. JUSTICE M. VENUGOPAL

W.P (MD) No. 16596 of 2016

and

WMP (MD) No. 12087 of 2016

K. Joshwa

... Petitioner

Vs.

1. The Inspector General of Registration,
Santhome High Road,
Chennai.

2. The Sub-Registrar,
Sivakasi Sub-Registrar Office,
Sivakasi,
Virudhunagar District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned Check Slip No. 1/2016, dated 22.07.2016, issued by the Second Respondent to the Petitioner and quash the same as illegal.

For Petitioner : Mr. R. R. Kannan

For Respondents : Mr. K. Mahesh Raja
Govt. Advocate

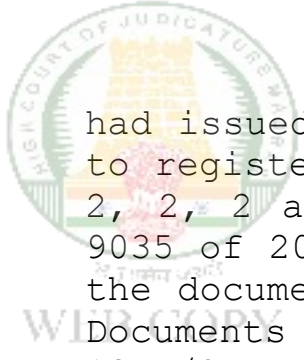
ORDER

Heard both sides.

2. By consent, the main Writ Petition itself is taken up for final disposal.

3. No counter is filed on behalf of Respondents.

<https://hcservices.ecourts.gov.in/hcservices>
4. It appears that the Second Respondent / Sub-Registrar, Sivakasi Sub-Registrar Office, Sivakasi, Virudhunagar District,



had issued Check Slip No.1/2016, dated 22.07.2016, by refusing to register the Sale Deed, on the ground that in M.P.Nos.3, 2, 2, 2, 2 and 2 of 2009 in W.P.Nos.9031, 9032, 9033, 9034, and 9035 of 2009, an order of interim stay was granted to register the document and as such, the Petitioner was informed that the Documents in Survey Nos.1347/1A, 1347/1B, 1347/1C, 1347/1D, 1347/2B, 1347/3B, 1347/3D, 1347/3A2, 1347/3C, in respect of Anaiyur Village, Sivakasi Sub-Registrar Office, could not be registered. Further, the Petitioner was informed that his documents were refused to be registered and hence, it was returned.

5. At this stage, this Court, on going through the 'Return Endorsement' made by the Second Respondent in Check Slip No.1/2016, dated 22.07.2016, as stated supra, is of the view that the Second Respondent had only returned the documents by refusing to register the Sale Deed in question, in respect of the aforesaid survey numbers in issue because of the reasons mentioned supra. As such, this Court is of the considered view that there is no bar / impediment in Law for the Petitioner to re-present the Return / Check Slip No.1/2016, dated 22.07.2016, after complying with the defects mentioned in the said check slips.

6. Viewed in that perspective, this Court, in furtherance of substantial cause of justice, directs the Petitioner to submit necessary reasons / explanations for the return made in the Check Slip No.1/2016, dated 22.07.2016, issued by the Second Respondent, within a period of one week from the date of receipt of a copy of this order. Thereafter, the Petitioner, after re-submitting the documents in question, after complying with the defects, with necessary explanation being offered by him, to the Second Respondent, this Court, deems it fit and proper, directs the Second Respondent / Sub-Registrar, Sivakasi Sub-Registrar Office, Sivakasi, Virudhunagar District, to seriously and earnestly consider the explanations / reasons ascribed by the Petitioner in regard to compliance submitted by him for the returns made by the Second Respondent and after taking into consideration and also the decision of Law governing the subject matter, is to proceed further and to pass a reasoned order, on merits, after complying his thinking mind, within a period of two weeks, thereafter (of-course after providing necessary opportunity to the Petitioner and others concerned, if any, by adhering to the principles of natural justice, in true letter and spirit, by issuing notice to the Petitioner and others concerned, if situation so warrants). The Petitioner is directed to lend his assistance and co-



operation to the Second Respondent so as to enable the latter to do the needful in his favour, within the time aforestated.

7. With the aforesaid observation(s) and direction(s), the Writ Petition stands disposed of. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

MPK

To

1.The Inspector General of Registration,
Santhome High Road, Chennai.

2.The Sub-Registrar, Sivakasi Sub-Registrar Office,
Sivakasi, Virudhunagar District.

Copy To :

1. The Section Officer,
E.R.Section,
Madurai Bench of Madras High Court, Madruai.

+1CC to Mr.R.R.Kannan, Advocate Sr.No.49148

+1CC to Spl.Government Pleader Sr.No.50032

GJM/SS3-9.9.16-3p-6c

W.P (MD) No.16596 of 2016
01.09.2016